

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KENNY ARCHULETA and JOHN
BOATWRIGHT, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

Case No. 1:16-cv-00112-MCA-CG

MVCI ENERGY SERVICES, INC.,

Defendant.

JOINT MOTION TO FILE UNDER SEAL

Pursuant to Fed. R. Civ. P. 5.2(d), Plaintiffs Kenny Archuleta and John Boatwright and Defendant MVCI Energy Services, Inc. (“MVCI”) respectfully request that this Court enter an order permitting them to file under seal Plaintiffs’ Unopposed Motion to Approve Wage Settlement (“Motion to Approve”). The Motion to Approve itself details the terms of the parties’ settlement, and the parties wish to attach the settlement agreement as an exhibit to facilitate the Court’s review of its fairness. However, one of the express and material terms of the settlement agreement is confidentiality as to the settlement amount and terms, and the parties are otherwise interested in keeping this information confidential.

The settlement involves only the claims and potential claims of individuals, not a class or collective action, and all parties are represented by experienced and competent counsel of their choosing. Accordingly, any public interest in the settlement terms is minimal and outweighed by the strong public policy favoring confidential settlement negotiations and the prompt settlement of litigation. A narrowly-tailored order sealing the motion and exhibit is consistent with practice

in this District. *See, e.g.*, Order Granting Motion to File Under Seal, *Tello v. Pro's ABQ Ranch Markets, LLC*, 15-CV-253-WPL-GBW (May 22, 2015). Plaintiffs and MVCI therefore respectfully request leave to file the above-referenced motion under seal. If the Court grants the Motion to Approve, the Order it enters on the settlement need not be filed under seal, as it will not contain any of the confidential information the parties seek to prevent from public disclosure.

WHEREFORE, pursuant to Fed. R. Civ. P. 5.2(d), the parties respectfully request the Court to enter an order allowing Plaintiffs to file their Unopposed Motion to Approve Wage Settlement, with attached exhibit, under seal.

Respectfully submitted,

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By

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2016, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

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